



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
475 ALLENDALE RD, STE 102
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

October 29, 2024

EA-24-088

David P. Rhoades
Senior Vice President
Constellation Energy Generation, LLC
President and Chief Nuclear Officer (CNO)
Constellation Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT – FINAL SIGNIFICANCE DETERMINATION OF A WHITE FINDING WITH ASSESSMENT FOLLOW-UP AND NOTICE OF VIOLATION; INSPECTION REPORT 05000333/2024090

Dear David Rhoades:

This letter provides you the final significance determination of the preliminary White finding and associated apparent violation discussed in U.S. Nuclear Regulatory Commission (NRC) Inspection Report 05000333/2024011 issued on September 19, 2024 (ML24262A197)¹. The finding involved a failure to provide adequate qualitative or quantitative acceptance criteria in work instructions during maintenance activities on the 'B' emergency diesel generator (EDG). Inadequate qualitative or quantitative acceptance criteria in the work instructions on reassembly of the valve cap for a lubricating oil check valve on the 'B' EDG led to the valve cap being damaged on October 11, 2023, which ultimately resulted in a 2.3 gallons per minute lubricating oil leak occurring on April 24, 2024.

In a letter dated October 3, 2024 (ML24277A088), Garrick Olson, Plant Manager, James A. Fitzpatrick Nuclear Power Plant, confirmed that Constellation Energy Generation, LLC (Constellation) did not contest the characterization of the risk significance of this finding and that you declined your opportunity to discuss this issue at a regulatory conference or to provide a written response. Therefore, after considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized as White, a finding of low to moderate safety significance. Note: According to NRC Inspection Manual Chapter (IMC) 0609, appeal rights only apply to those licensees that have either attended a regulatory conference or submitted a written response to the preliminary determination letter.

The NRC has also determined that Constellation's failure to provide adequate qualitative or quantitative acceptance criteria in work instructions during maintenance activities on the

¹ Designation in parentheses refers to an Agencywide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly available using the accession number in ADAMS.

'B' EDG is a violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," as cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a White finding. The NRC has concluded that the information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in NRC Inspection Report 05000333/2024011. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

As a result of this White finding in the Mitigating Systems cornerstone, the NRC has assessed that the James A. FitzPatrick Nuclear Power Plant will transition to the Regulatory Response column of the NRC's Reactor Oversight Process Action Matrix described in IMC 0305, "Operating Reactor Assessment Program." This White finding input is retroactive to the third calendar quarter of 2024. The NRC plans to conduct a supplemental inspection for this finding in accordance with Inspection Procedure 95001, "Supplemental Inspection Response to Action Matrix Column 2 (Regulatory Response) Inputs," following Constellation's notification of the readiness for this inspection. This inspection is conducted to provide assurance that the root causes and contributing causes of any performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

Raymond K. Lorson
Regional Administrator

Docket No. 05000333
License No. DPR-59

Enclosure:
Notice of Violation

cc w/encl: Distribution via LISTSERV

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT – FINAL SIGNIFICANCE DETERMINATION OF A WHITE FINDING WITH ASSESSMENT FOLLOW-UP AND NOTICE OF VIOLATION; INSPECTION REPORT 05000333/2024090 DATED OCTOBER 29, 2024

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NOTICE OF VIOLATION

Constellation Energy Generation, LLC
James A. FitzPatrick Nuclear Power Plant

Docket No. 05000333
License No. DPR-59
EA-24-088

During an NRC inspection conducted from July 1, 2024, to September 10, 2024, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires, in part, that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances and should include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished.

FitzPatrick Technical Specification (TS) 3.8.1, "AC Sources-Operating," requires, in part, that two emergency diesel generator (EDG) subsystems be operable while in Modes 1, 2, or 3. If an EDG subsystem is determined to be inoperable, it shall be returned to an operable status within 14 days. If not restored to an operable status, the unit shall be shut down and placed in Mode 3 in 12 hours and Mode 4 in 36 hours.

Contrary to the above, on October 11, 2023, Constellation performed an activity affecting quality in accordance with a work order (WO) instruction that failed to include appropriate quantitative or qualitative acceptance criteria to determine that the activity was satisfactorily accomplished. Specifically, on October 11, 2023, Constellation installed a gasket in ½-inch lubricating oil supply check valve 93EDG-57B in accordance with WO 05407333, which did not include appropriate acceptance criteria for tightening the joint. The failure to provide appropriate tightening acceptance criteria resulted in damage to the valve resulting in a 2.3 gallons per minute lube oil leak on April 25, 2024, that would have prevented the system from performing its safety function. Consequently, the 'B' EDG subsystem was rendered inoperable prior to April 25, 2024, for a period longer than its TS allowed outage time, and the unit was not shut down and placed in Mode 3 within 12 hours and Mode 4 within 36 hours.

This violation is associated with a White SDP finding.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in Inspection Report 05000333/2024011. However, you are required to submit a written statement or explanation pursuant 10 CFR 2.201 if the description on the docket does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, please clearly mark your response as "Reply to a Notice of Violation; EA-24-088" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at James A. FitzPatrick Nuclear Power Plant, within 30 days of the date of the issuance of this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Dated this 29th day of October, 2024